

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2003B150(C)

ORDER OF THE STATE PERSONNEL BOARD

TIMOTHY BENNETT,

Complainant,

vs.

**DEPARTMENT OF CORRECTIONS, COLORADO TERRITORIAL CORRECTIONAL
FACILITY,**

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on May 15, 2007. During this public session, the Board considered the record on appeal, including but not limited to:

1. Order of the Administrative Law Judge on Remand;
2. Complainant's Opening Brief;
3. Answer Brief of Respondent Department of Corrections;
4. Reply Brief.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Findings of Fact in the Order of the Administrative Law Judge on Remand, are adopted, including the supplemental Findings of Fact. The Conclusions of Law in the Order of the Administrative Law Judge on Remand, including the calculation of hours awardable to Complainant's attorney, as amended to 127 hours by the Board (and agreed to by the parties), and the assessment of a total of \$4,000.00, as a disciplinary pay reduction against Complainant's base salary, are also adopted.

IT IS FURTHER ORDERED that the Order of the Administrative Law Judge on Remand, as modified by the Board, is ADOPTED.

Dated this 17 day of
May, 2007.



John Zakhem, Board Chair
State Personnel Board
633 17th Street, Suite 1320
Denver, Colorado 80202-3604

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S., as provided in Section 24-50-125.4(3), C.R.S.

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

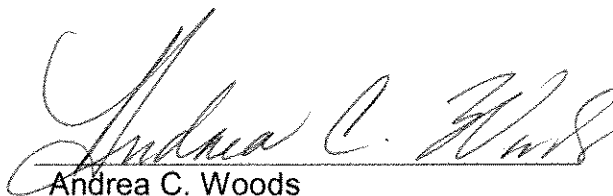
CERTIFICATE OF MAILING

This is to certify that on the 18th day of May, 2007, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

William S. Finger, Esq.
Frank & Finger, P.C.
P.O. Box 1477
Evergreen, Colorado 80437-1477

And in interagency mail to:

Vincent E. Morscher
Assistant Attorney General
Civil Litigation & Employment Law Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203



Andrea C. Woods